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S E C R E T ALMATY 002872

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STATE FOR S/WCI (M. STAMILO), L/PM (AHAINES), SCA/CEN (J. MUDGE)
DOD/OGC (BEAVER), OUSD/DETAINEE POLICY (LIOTTA)
NSC (CAMPOUNO)

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TAGS: [PTER](#) [KAWC](#) [PHUM](#) [PREL](#) [KZ](#)

SUBJECT: KAZAKHSTAN: MFA UNWILLING TO RECEIVE TRANSFER OF
KAZAKHSTANI DETAINEES

REF: A. ALMATY 2549

[1](#)B. STATE 126156

Classified By: Pol-Econ Chief Deborah Mennuti, reasons 1.4 (B) and (D).

[1](#)1. (S) Summary: In an August 2 meeting with MFA consular officials, Poloff again discussed the issue of transferring the Kazakhstani detainees held at Guantanamo to Kazakhstan. Poloff informed his counterparts that only intelligence and law enforcement personnel were allowed to visit the detainees. Poloff also again covered the assurances that the U.S. requests prior to transferring the detainees. The Kazakhstanis informed Poloff that they did not want the Kazakhstani detainees transferred to Kazakhstan. The position of the GOK is that if the Kazakhstanis are guilty of a crime, they should be tried in a U.S. court; if not, they should be allowed to go to a third country. End summary.

[1](#)2. (S) On August 2, Poloff met with Ualikhan S. Sanginkhanov, Head of the MFA's Division of Europe and America, Department of Consular Services, and Abdulmannap Kanibekov, in Astana to further discuss the Kazakhstani detainees at Guantanamo Bay. In response to their earlier request (Ref A), Poloff informed them that only intelligence and law enforcement personnel were allowed to visit the detainees.

[1](#)3. (S) Kanibekov stated that Kazakhstan does not want the detainees back. The GOK believes that if they get "released" from Guantanamo and returned to Kazakhstan, the detainees will feel that they were not found guilty of any crime and will complain about being held while "innocent." Kanibekov also expressed concern that the detainees will be angry at the Kazakhstani Government for not helping them while they were detained. Kanibekov said that the GOK intelligence personnel who had met with the Kazakhstani detainees informed the MFA that the detainees did not want to return to Kazakhstan. He said the GOK believes the best solution is to send them to a third country. The Kazakhstani bottom line was that if the detainees are guilty of a crime, they should be tried in a U.S. court, if they are not, they should be allowed to go to a third country.

[1](#)4. (S) Poloff again explained that the detainees have been held as enemy combatants and not criminals. They, therefore, will not be tried in the United States, but returned to their home country. Poloff further informed his interlocutors that U.S. could not send the detainees to a third country just because they would rather not return to Kazakhstan. Given that these individuals are Kazakhstani citizens, it would be unfair to expect a third country to take responsibility for

them just because Kazakhstan does not want to deal with them.

By the end of the discussion, the Kazakhstanis held to their position that the detainees should be either tried by a U.S. court, or allowed to go to a third country.

15. (SBU) Ref B, containing the text of a diplomatic note regarding assurances, was received after the August 2 meeting. Post will ensure the dip note gets to the appropriate officials as soon as possible.

16. (S) Comment: The GOK believes that whether or not these detainees were radical before detention, they may cause problems after returning to Kazakhstan. It appears that they believe there are only negative repercussions for allowing the detainees to return. For the most part, the issue of Kazakhstani detainees has not received press coverage inside Kazakhstan and the GOK feels no public pressure on the issue.

At the working level, it appears that the Kazakhstanis are not flexible in their position of accepting transfer of the detainees. Post plans to elevate the issue to the deputy minister level. End comment.

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